

# **Exhibit D**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

SPIRO MILLIARESSIS  
ANN MILLIARESSIS

Debtors.

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**ORDER**

Case No.: 08-22504-ash  
(Chapter 13)

Assigned to:  
Hon. ADLAI S. HARDIN, JR.  
Bankruptcy Judge

America's Servicing Company as servicer for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc Trust 2006-NC4, a secured creditor of Debtors, ("Secured Creditor") having moved this Court for an Order modifying the Automatic Stay in this proceeding by permitting said Secured Creditor to foreclose on the mortgage of premises commonly known as 60 Grant Street, Sloatsburg, NY 10974, of which the Debtors is the owner of record, and

The motion having come to be heard before this Court and no opposition having been submitted by Jeffrey L. Sapir, Esq., the Chapter 13 Trustee, by the U.S. Trustee, or by Shmuel Klein, Esq., counsel for the Debtors, and due deliberation having been had, now

Upon Reading and Filing of the Notice of Motion, the Application of Secured Creditor dated December 23, 2008, and proof of service upon all necessary parties, upon motion of the Office of Steven J. Baum, P.C., it is hereby

ORDERED, that as to the Secured Creditor or its successors or assigns, the automatic stay is terminated, permitting it to foreclose or otherwise pursue its mortgage remedies and rights on the premises commonly known as 60 Grant Street, Sloatsburg, NY 10974; and it is further

ORDERED, that the Trustee retain any and all interest that said Trustee may have in any surplus monies that may be produced from a foreclosure sale of the property, and will be noticed of any such sale of the property and surplus money proceedings.

DATED: White Plains, New York  
January \_\_\_\_\_, 2009

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Hon. ADLAI S. HARDIN, JR., U.S.B.J.